

CHAPTER VIII

HOW FEDERAL JURISDICTION MAY BE LOST

51. United States loses jurisdiction when it disposes of land.—

It was pointed out in the chapter next preceding that, except in a few States, the United States cannot, under existing laws, acquire any part of a State's jurisdiction over lands within the State's borders unless title to the land has vested in the United States. It follows in such cases that, when the United States has divested itself of title, it relinquishes the jurisdiction acquired from the State. An exception to the rule would occur where the land is conveyed to a corporation created by Congress for the performance of a Federal function and is to be used by the corporation for purposes set out in the State statute under which Federal jurisdiction may be acquired.

52. Jurisdiction over land in name of government corporation.—

In a Tennessee State case it was held that the United States, pursuant to a State cession statute, had acquired exclusive jurisdiction over land used for a soldiers' home, title to which was in the name of the National Home for Disabled Soldiers, a corporation chartered by Congress. The Court said, "The members of the Board of Managers of the Home are merely officers of the United States, subject to its control in every respect. They are together, in their organized capacity, merely the hand of the government in effectuating the purposes for which they were appointed. The real and only party in interest in the making of the purchase (of land) was the government of the United States."¹ And in a California case, also involving land in the name of a Government corporation which was used for a national soldiers' home, the Court held that jurisdiction was in the United States.²

53. Jurisdiction lost when land ceases to be used for Federal purposes.—Jurisdiction acquired from a State by the United States will revert in the State when the United States ceases to use the land for any of the purposes for which its acquisition was authorized. Such reverter of jurisdiction may result from express condition of the grant by the State or by operation of law.

The Legislature of the State of New York ceded to the United States jurisdiction over certain lands in and adjacent to the City of Brooklyn "belonging to the United States and used and occupied as a navy yard and local hospital * * * for the uses and purposes of a navy yard and naval hospital," and provided that the "United States may retain such use and jurisdiction as long as the premise described shall be used for the purposes for which

¹ *State v. Willett*, 117 Tenn. 334, 97 S. W. 299, 302. See also *Ohio v. Thomas*, 173 U. S. 276, 19 S. Ct. 453; *Overholser v. National Home*, 67 N. E. (Ohio) 487.

² *People v. Mouse*, 265 P. 944 (Cal.). But see *Tagge v. Guzlow*, 132 Neb. 276, 271 N. W. 803.